IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 109 Of 2004

Shri Krishna Shirwaikar,
r/o Shirent, Chimbel,
Goa. ... Petitioner.

Versus

1. Mamlatdar of Tiswadi,
office of the Mamlatdar,
Panaji, Goa,

2. Additional Collector of
North Goa, office of
Additional Collector,
North Goa District at
Panjim, and

3. Shri Rama Shirodkar,
r/o House No.366,
Chimbel, Tiswadi, Goa. ... Respondents.

Shri E. O. Dias, advocate for the petitioner.

Shri D. Lawande, advocate for respondent nos.1 and 2.

Shri Mahesh Amonkar, advocate for the respondent no.3.

CORAM : S. A. BOBDE, J.

DATE : 8th July, 2004.

ORAL JUDGMENT

Rule returnable forthwith. Heard by consent.

2. The petitioner has challenged the Order dated 14th March, 2002 recorded in the roznama of case no.MCA 7/2001 and the Order of the Additional Collector dated 12th September, 2003, confirming the order dated 14th March, 2002. By the Order dated 14th March, 2002, the petitioner's structure is directed to be demolished within a period of 14 days. Apparently, an order passed on the next date, i.e. 6th

September, 2002, gives the reasons why the order was made on the earlier date, demolishing the structure. This is indeed an unusual procedure followed by the Mamlatdar whereby the decision to demolish is arrived at and thereafter on the next date a reason is given for ordering the demolition. The reason that is given is that the petitioner appeared and is said to have admitted that he has not taken permission from the Village Panchayat.

3. Having regard to the circumstances of the case, I consider it appropriate in the interests of justice to set aside the impugned orders and remand the matter to the Mamlatdar for fresh decision in accordance with law. All contentions of the parties, including the question of jurisdiction of the Mamlatdar are left open. Rule made absolute in the above terms.

S.A. BOBDE, J.

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